

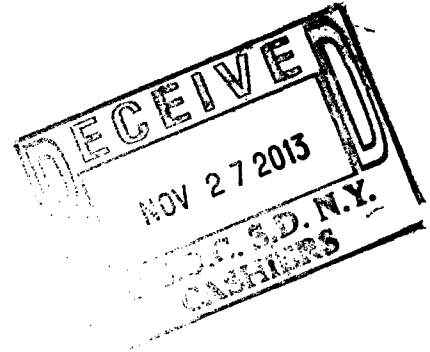
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re Application of GORSOAN LIMITED and
GAZPROMBANK OJSC for an Order Pursuant
to 28 U.S.C. § 1782 to Conduct Discovery for
Use in Foreign Proceedings,

Petitioners.

13 MISC 0397

Case No.
ECF Case



***EX PARTE APPLICATION OF GORSOAN LIMITED AND GAZPROMBANK OJSC
FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 TO CONDUCT DISCOVERY
FOR USE IN A FOREIGN PROCEEDING***

Gorsoan Limited (“Gorsoan”) and Gazprombank OJSC (“GPB”, and together with Gorsoan, “Petitioners”), respectfully apply to this Court for an order permitting Petitioners to obtain certain discovery from Janna Bullock (“Bullock”), RIGroup LLC (“RIG LLC”), Stuart Alan Smith (“Smith”), and Zoe Bullock Rimmel (“Rimmel,” and together with Bullock, RIG LLC and Smith, the “Discovery Subjects”) pursuant to 28 U.S.C. § 1782 in connection with a foreign proceeding in the District Court of Limassol in the Republic of Cyprus (the “Cyprus Proceeding”). In support of this application (“Application”), Petitioners have submitted a Memorandum of Law and attached the Declarations of Owen C. Pell (the “Pell Declaration”) and Alexandros Tsirides (the “Tsirides Declaration”); and further state as follows:

1. 28 U.S.C. § 1782 provides for discovery in the United States to assist foreign tribunals and parties to proceedings before foreign tribunals. 28 U.S.C. § 1782 states, in pertinent part:

The district court of the district in which the person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in the proceeding in a foreign or international tribunal. The order may be made . . . upon the application of any interested person and may direct that the testimony or statement be given or the document, or other thing be produced, before a person appointed by the court.

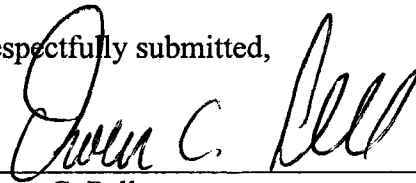
2. The requirements of 28 U.S.C. § 1782 are satisfied in this case. As explained further in the attached Memorandum of Law: (1) the Discovery Subjects “reside” or are “found” in this District; (2) the discovery sought by the Petitioners is “for use in” a proceeding before a foreign tribunal; and (3) Petitioners are “interested persons” in that proceeding. 28 U.S.C. § 1782. The discretionary factors a court may consider when evaluating a Section 1782 request also weigh in favor of granting this Application. See Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 264-65 (2004); Marubeni America Corp. v. LBA Y.K., 335 Fed. App’x 95, 97 (2d Cir. 2009).

For the foregoing reasons, and for the reasons set forth in the Pell Declaration, the Tsirides Declaration and the Memorandum of Law in Support of this Application, Petitioners respectfully request that this Court enter an order, pursuant to 28 U.S.C. § 1782, granting them leave to conduct the requested discovery in a form similar to the proposed subpoenas attached hereto as Exhibits 6-9 to the Pell Declaration.

WHEREFORE, Petitioners respectfully request that this Court grant the Application.

Dated: New York, NY
November 26, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Owen C. Pell", written over a horizontal line.

Owen C. Pell
Max Shterngel
WHITE & CASE LLP
1155 Avenue of the Americas
New York, New York 10036-2787
Telephone: (212) 819-8200
Facsimile: (212) 354-8113

*Attorneys for Petitioners Gorsoan Limited and
Gazprombank OJSC*